

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re

Carzell Benton,

Debtor.

24 Civ. 7945 (KPF)

Case No. 24-B-11383 (PB)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

On October 23, 2024, this Court entered a Bankruptcy Appeal Scheduling Order (the “Order”). (Dkt. #2 (attached)). Per the Court’s Order, Appellant was instructed to “serve and file a brief within 30 days after the docketing of the notice that the record has been transmitted or is available electronically.” (*Id.*). The notice of the record of appeal availability was filed on November 25, 2024. (Dkt. #4). However, to date, Appellant has failed to file an appeal brief.

Although this Court’s Order made clear that failure to comply with the Court’s deadlines would result in the dismissal of this action, the Court will provide Appellant one final opportunity to submit a brief. Accordingly, Appellant is instructed to serve and file a brief on or before **May 1, 2025**. No further extensions of this deadline will be granted for any reason.

The Clerk of Court is directed to mail a copy of this Order to Appellant at the following address: 1600 Broadway, PH3D, New York, New York, 10019.

SO ORDERED.

Dated: April 2, 2025  
New York, New York



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KATHERINE POLK FAILLA  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re	:
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Carzell Benton,	:
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Debtor.	:
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24 Civ. 7945 (KPF)

Case No. 24-B-11383 (PB)

**BANKRUPTCY APPEAL  
SCHEDULING ORDER**

KATHERINE POLK FAILLA, District Judge:

The above-captioned bankruptcy appeal has been assigned to me for all purposes. The appeal was docketed in the United States District Court for the Southern District of New York.

Rule 8009 of the Federal Rules of Bankruptcy Procedures requires the appellant to file “a designation of the items to be included in the record on appeal and a statement of the issues to be presented” within 14 days after filing of the notice of appeal. The Rule further provides that within 14 days after the service of the appellant’s statement, the appellee may file and serve on the appellant a designation of additional items to be included in the record on appeal and, if the appellee has filed a cross-appeal, the appellee as cross appellant shall file and serve a statement of the issues to be presented on the cross appeal and designation of additional items to be included in the record. *See also* Local Civil Rule 8009-1 (filing requirements for designated items).

The filing of appeal briefs is not excused in this case. The briefing schedule and format and length specifications set forth in the applicable provisions of Federal Rules of Bankruptcy Procedure 8014 through 8018 shall govern un-

less otherwise ordered by the Court. The time limits set forth in Rule 8018 are adopted as the Order of this Court, so that the appellant must serve and file a brief within 30 days after the docketing of notice that the record has been transmitted or is available electronically; the appellee must serve and file a brief within 30 days after service of the appellant's brief; and the appellant may serve and file a reply brief within 14 days after service of the appellee's brief, provided that the reply brief is filed at least 7 days before scheduled argument absent leave from the Court.

THE FAILURE TO COMPLY WITH THIS ORDER AND/OR THE TIME LIMITS IN RULES 8002, 8009, OR 8018 WILL RESULT IN DISMISSAL OF THE APPEAL (IN THE CASE OF APPELLANT) OR CONSIDERATION OF THE APPEAL WITHOUT AN APPELLEE'S BRIEF (IN THE CASE OF THE APPELLEE).

Counsel are directed to review and comply with the Court's Individual Rules of Practice in Civil Cases (available at the Court's website, <http://nysd.uscourts.gov/judge/Failla>) to the extent they are not inconsistent with the Federal Rules of Bankruptcy Procedures. The premotion conference requirement under my Individual Practices is waived for any party moving to dismiss an appeal for failure to comply with Rules 8002, 8006, and/or 8009. *See In re Christine Charter Lynch*, 430 F.3d 600 (2d Cir. 2005) (per curiam).

The Clerk of Court is directed to mail a copy of this Order to Appellant at the following address: Carzell Benton, 1600 Broadway, PH3D, New York, New York, 10019.

SO ORDERED.

Dated: October 23, 2024  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

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KATHERINE POLK FAILLA  
United States District Judge